



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2209020

Applicant Name: Britanni Ard for Turnkey Builders

Address of Proposal: 3608 NE 44th St

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel of land into two parcels. Proposed parcel sizes are: Parcel A) 3,997.7 square feet and Parcel B) 3,997.7 square feet. The existing single-family residence is to remain and the detached structure is to be demolished.

The following approval is required:

Short Subdivision - To divide one parcel of land into two (2) parcels.
(Seattle Municipal Code Chapter 23.24)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND DATA

Site Description

The proposal site is approximately 8,000 square feet and is roughly rectangular in shape. The site is located in a Residential, Single-family 5,000 (SF 5000) zone on the north side of Northeast 44th Street, approximately 50 feet west of the intersection with 37th Ave NE. The proposal site has approximately 100 lineal feet of frontage on Northeast 44th Street, an improved roadway with curbs, gutters and sidewalks on both sides of the street.

The site is developed with a single-family residence and a detached structure and is vegetated with grass, shrubs, and trees. The site itself is relatively flat. An existing retaining wall is located along the southern property line over the western portion of Lot 7. A 55-foot long, 7.46 foot wide side yard easement is located on the eastern portion of proposed Parcel B.

There site is mapped as a landfill Environmentally Critical Areas (ECAs).

Area Development

Zoning and development in the vicinity is both commercial and single-family residential; the SF 5000 zone extends to the south, east and west from the proposal site. To the north of the site, the zoning changes to Neighborhood Commercial. A portion of the University of Washington campus is located further to the west of the subject site.

Proposal Description

Master Use Permit to subdivide one parcel of land into two parcels. Proposed parcel sizes are: Parcel A) 3,997.7 square feet and Parcel B) 3,997.7 square feet. The existing single-family residence is to remain and the detached structure is to be demolished. A previous application approved a variance to allow for the creation of two lots having less than the minimum lot area in a SF 5000 zone (DCLU MUP #2205322).

Public Comments

The 14-day public comment period ended on February 19, 2003. One written comment was submitted which raised concerns about the impact to the on street parking from the increase in density.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings that follow are based upon information provided by the applicant; review of access, drainage, and zoning within the Department of Design, Construction and Land Use (DCLU); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

With the exception of minimum lot size, the lots created by the proposed subdivision will conform to all development standards of the SF 5000 zone. The substandard lot size was reviewed and approved under MUP #2205322. The lot configurations provide adequate buildable area to meet applicable yards, lot coverage requirements, and other land use code development standards. Any new development must conform to land use code requirements at the time of application.

2. *Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005;*

Both proposed Parcels A and B have adequate access for vehicles, utilities, and fire protection. Parcel A has 49.97' of lineal feet of frontage on NE 44th Street and has Parcel B has 49.97' of lineal feet of frontage on NE 44th Street.

The Seattle Fire Department has reviewed and approved this short subdivision application with respect to access for emergency vehicles.

Seattle City Light provides electrical service to the subject property and has required an easement for electrical facilities to the site. The easement, as described in the memorandum dated February 20, 2003, and in "Exhibit A to Short Plat No. 2209020, P.M. #250415-2-005" shall be included on the final plat prior to recording.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

Stormwater runoff from new construction may be discharged via detention to the public sewer in NE 44th Street. If conditions allow, stormwater may also be discharged through the curb without detention. Plan review requirements will be made at the time of building permit application in accordance with any applicable stormwater ordinances in effect at that time. If the project involves more than 5,000 square feet of new or replaced impervious surface, a comprehensive drainage control plan, prepared in accordance with SMC 22.802.015D and 22.802.020, may be required.

Seattle Public Utilities issued Water Availability Certificate #2003-0124 for the short plat on February 6, 2003. All conditions on the certificate must be met prior to receiving water service.

The existing structure is connected by means of a public combined sewer in NE 44th Street.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision is consistent with relevant SF 5000 zone land use policies and meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. The public use and interests are served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

The proposal site is mapped as a landfill City of Seattle Environmentally Critical Areas. There are no development standards associated with this designation.

6. *Is designed to maximize the retention of existing trees;*

There are several trees on site that meet the size requirements to be regulated under this criterion. New construction in single-family residential zones is subject to the applicable provisions of SMC 23.44.008(I), Tree requirements. The minimum number of caliper inches of tree required per lot may be met through either a tree preservation or a tree planting option, or through the combination of both. This shall be noted on the face of the plat.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This criterion is not applicable to this proposal; no unit lots are proposed.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Prior To Recording

The owner(s) and/or responsible party(s) shall:

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences, or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. Insert the following on the face of the plat: *“New single-family dwelling unit construction is subject to the applicable code provisions of SMC 23.44.008(I), Tree Requirements.”*
3. Include the Seattle City Light easement as described in the Seattle City Light memorandum dated February 20, 2002, and “Exhibit A to Short Plat No. 2209020, P.M. #250415-2-005” on the final plat.

4. Insert the following note on the face of the plat: *“Existing detached garage to be legally removed prior to separate sale or transfer of ownership of either parcel.”*
5. Complete a side yard easement for the existing structure located on Parcel A.

Prior to the Individual Transfer or Sale of Lots

The owner(s) and/or responsible party(s) shall:

6. Comply with the requirements outlined in the Water Availability Certificate (WAC #2003-0124).

Signature: (signature on file) Date: July 17, 2003
Lisa C. Rutzick, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services